

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

April 25, 2005

Paul Turek
Environmental Engineer
Chemical Waste Management, Inc.
Kettleman Hills Facility
P.O. Box 471
Kettleman City, CA 93239-0471

Dear Mr. Turek,

RE: Determination of Continuing Acceptability under the CERCLA Off-Site Rule for
Kettleman Hills Facility Class II Landfill Unit B-19 (CAT000646117)

This letter serves to inform you that the U.S. Environmental Protection Agency (EPA), Region 9 has made an affirmative determination regarding the continuing acceptability status of Unit B-19 to receive CERCLA waste. Unit B-19 may accept CERCLA waste generated as a result of a CERCLA remedial or removal action provided that the wastes received in B-19 are not regulated by Subtitle C of RCRA and (2) receipt of waste is in accordance with the permit conditions applicable to Class II units.

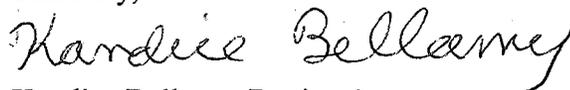
At the time of the evaluation, EPA was informed of the facility's intention to close B-19. Should Chemical Waste Management, Inc. plan to receive CERCLA waste in any new Class II unit, that new unit would require approval prior to receipt of any CERCLA waste.

On September 16, 1993, EPA amended the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, by adding Section 300.440, now known as the Off-Site Rule ("Rule"). The Rule codifies the requirements contained in Section 121 (d)(3) of CERCLA, 42 U.S.C. §9621 (d)(3), and incorporates many provisions of EPA's former Off-Site Policy. The Rule established criteria and procedures for determining whether facilities are acceptable for the receipt of CERCLA waste. A copy of the Rule as published in the Federal Register, is enclosed for your reference (58 Fed. Reg. 49200 - 49218, September 22, 1993).

The Rule requires that prior to a facility's initial receipt of CERCLA waste, EPA must determine that there are no relevant violations or relevant releases at the facility. Should any new information affecting this determination be obtained in the future, EPA reserves the right to re-evaluate the acceptability of Unit B-19 at Chemical Waste Management Inc. Kettleman Hills Facility to receive CERCLA waste in accordance with the Rule.

If you have any questions concerning this matter, please contact Kandice Bellamy, Region's CERCLA Off-Site Rule Coordinator, at (415) 972-3304.

Sincerely,



Kandice Bellamy, Region 9
CERCLA Off-Site Rule Coordinator